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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION**

TAMIE RICHARDSON,

Plaintiff,

vs.

First Horizon Home Loan Corporation,

Defendants.

Case No. 10-03073

**MOTION TO DISMISS AMENDED
COMPLAINT
AND TO LIFT INJUNCTION OR IN THE
ALTERNATIVE TO ORDER
SETTLEMENT CONFERENCE AND STAY
PROCEEDINGS**

ORAL ARGUMENT REQUESTED

Defendant requests an expedited hearing.

Defendant estimates time for argument to be one hour.

This motion is for all the claims in this action.

INTRODUCTION

Defendant remains willing and able to resolve this dispute and seeks the opportunity to do so. However, in light of Plaintiff's undisputed and serious delinquency, and the lack of a proper legal or factual foundation for this complaint, Defendant has filed alternative pleadings. The purpose of these pleadings is to avoid unnecessary costs and delay and to focus on the central issues of this matter.

LOCAL RULE 7-1 CERTIFICATION

Defendant First Horizon Home Loan Corporation by and through its attorney, Holger Uhl of McCarthy & Holthus, LLP, certifies that the parties attempted to resolve this dispute prior to seeking a decision from this Court and have been unable to do so. The undersigned attorney certifies that the parties communicated by letter and email, that Defendant offered to enter into formal or informal mediation and stay proceedings during such process, and informed Plaintiff that a loan modification was possible and desirable for all parties, but that Plaintiff has chosen to go forward with filing an Amended Complaint.

MOTION TO DISMISS AND LIFT INJUNCTION

Defendant moves this Court for an order dismissing Plaintiff's Complaint for failure to state a claim upon which relief can be granted. The motion is supported by a memorandum in support thereof and the record. In light of the Amended Complaint which still fails to provide a factual basis for Plaintiff's claims, Defendant respectfully requests that the court's injunction as to the pending foreclosure be lifted immediately unless Plaintiff can provide security in an amount sufficient to show that she can either cure her default or pay off the underlying debt.

MOTION FOR SETTLEMENT CONFERENCE AND TO STAY PROCEEDINGS IN THE ALTERNATIVE

Defendant believes that this matter is subject to resolution through a settlement conference despite the fact that Plaintiff's pleadings lack legal and factual merit. It is in both parties' best interests to reach a resolution short of a foreclosure sale. Therefore Defendant requests that the Court order a settlement conference as an alternative to ruling on Defendant's motion to dismiss. In order to facilitate settlement and to avoid unnecessary litigation costs, Defendant further requests that during the pendency of the settlement order that the litigation be stayed. At this point both parties intend to conduct depositions on matters and

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2 subjects that could be discussed during settlement conference, but without the associated costs of a formal
3 deposition. Thus, staying the proceedings would facilitate settlement.
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5 DATED February 17, 2011

6 McCarthy & Holthus, LLP

7 /s/ *Holger Uhl*

8 By _____
9 Holger Uhl, Of the Firm
Attorneys for First Horizon Home Loan Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 17, 2011, I served a copy of the foregoing on CM/ECF Registered Participants as reflected on the Notice of Electronic Filing:

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Additionally, a copy of the foregoing was served on the following parties by first class mail, postage prepaid, addressed to:

Tamie Richardson
746 Bailey Drive
Grants Pass, OR 97527

/s/ Holger Uhl

Holger Uhl